

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: LATAM AIRLINES GROUP S.A.,
Debtor,

22 Civ. 5660 (DLC)

AD HOC GROUP OF UNSECURED
CLAIMANTS, et al.,

Appellant,

-v-

LATAM AIRLINES GROUP S.A., et al.,
Appellees.¹

UNOPPOSED MOTION TO ALLOW PROPOSED INTERVENORS TO INTERVENE

The Parent Ad Hoc Claimant Group, the ad hoc group of bondholders represented by White & Case (the “White & Case Group”), Banco Estado de Chile, solely in its capacity as Indenture Trustee Under the Chilean Local Bonds Series A Through D and Series E (“Banco Estado”), the Official Committee of Unsecured Creditors (the “Committee”), Delta Air Lines, Inc., Costa Verde Aeronautica S.A., Lozuy S.A., and Qatar Airways Investments (UK) Ltd., (collectively, the “Proposed Intervenor”) respectfully move the Court to permit the Proposed Intervenor to intervene in the above-captioned appeal pursuant to Rule 8013 of the Federal Rules

¹ The Appellees in this case are: LATAM Airlines Group S.A., Lan Cargo S.A., Transporte Aereo S.A., Inversiones Lan S.A., Technical Training LATAM S.A., LATAM Travel Chile II S.A., Lan Pax Group S.A., Fast Air Almacenes De Carga S.A., Linea Aerea Carguera De Colombia SA, Aerovias De Integracion Regional S.A., LATAM Finance LTD, LATAM Airlines Ecuador S.A., Professional Airline Cargo Services, LLC, Cargo Handling Airport Services, LLC, Maintenance Service Experts, LLC, Lan Cargo Repair Station LLC, Prime Airport Services Inc., Professional Airline Maintenance Services, LLC, Connecta Corporation, Peuco Finance Ltd., Latam Airlines Peru S.A., Inversiones Aereas S.A., Holdco Colombia II Spa, Holdco Colombia I Spa, Holdco Ecuador S.A., Lan Cargo Inversiones S.A., Lan Cargo Overseas Ltd, Mas Investment Ltd., Professional Airline Services Inc., TAM S.A., TAM Linhas Aereas S.A., Aerolinhas Brasileiras S.A., Prismah Fidelidade Ltda., Fidelidade Viagens E Turismo S.A., TP Franchising Ltda., Holdco I S.A., Multiplus Corredora De Seguros Ltda., and Piquero Leasing Limited.

of Bankruptcy Procedure.

WHEREAS on May 2, 2022, the Appellant the Ad Hoc Group of Unsecured Claimants (the “A&P Group”, or the “Appellant”) objected to confirmation of the Debtors’ Joint Plan of Reorganization (the “Plan”) [Dkt. No. 20-11254-jlg, Doc. No. 5202];

WHEREAS on May 2, 2022, the Committee objected to confirmation of the Debtors’ Plan [Dkt. No. 20-11254-jlg, Doc. No. 5195];

WHEREAS on May 2, 2022, Banco Estado objected to confirmation of the Debtors’ Plan [Dkt. No. 20-11254-jlg, Doc. No. 5207];

WHEREAS on May 10, 2022, the Committee filed a supplemental objection to confirmation of the Debtors’ Plan [Dkt. No. 20-11254-jlg, Doc. No. 5281];

WHEREAS on May 12, and 13, 2022, the Appellees LATAM Airlines Group S.A. and certain of its affiliated debtors (together, the “Appellees” or the “Debtors”), filed a response in support of confirmation of the Plan [Dkt. No. 20-11254-jlg, Doc. No. 5373];

WHEREAS on May 11, 2022, the Committee withdrew its previously filed Plan objections [Dkt. No. 20-11254-jlg, Doc. No. 5335];

WHEREAS on May 11, 2022, Banco Estado withdrew its previously filed Plan objection [Dkt. No. 20-11254-jlg, Doc. No. 5336];

WHEREAS on May 12, 2022, the Parent Ad Hoc Claimant Group filed a reply to the remaining Plan objections [Dkt. No. 20-11254-jlg, Doc. No. 5355];

WHEREAS on May 12, 2022, the White & Case Group filed a statement in support of confirmation and reservation of rights [Dkt. No. 20-11254-jlg, Doc. No. 5343];

WHEREAS on May 12, 2022, each of Delta Air Lines, Inc., Costa Verde Aeronautica S.A., Lozuy S.A., and Qatar Airways Investments (UK) Ltd., filed statements in

support of the Plan and confirmation and responses to the remaining Plan objections [Dkt. No. 20-11254-jlg, Doc. Nos. 5352, 5353, 5354];

WHEREAS on May 17, 18, and 20, 2022, the Bankruptcy Court held an evidentiary hearing and heard argument on confirmation of the Plan (the “Confirmation Hearing”);

WHEREAS at the Confirmation Hearing, both Banco Estado and the Committee made statements on the record in support of confirmation of the Plan;

WHEREAS on June 18, 2022, the Bankruptcy Court entered a memorandum decision and order confirming the Plan and overruling the objections thereto [Dkt. No. 20-11254-jlg, Doc. Nos. 5752, 5754] (the “Confirmation Opinion and Order”);

WHEREAS on June 21, 2022, the A&P Group filed a notice of appeal of the Confirmation Opinion and Order [Dkt. No. 20-11254-jlg, Doc. No. 5766];

WHEREAS on June 27, 2022, the A&P Group filed a motion for a stay of the Confirmation Order pending its appeal [Dkt. No. 20-11254-jlg, Doc. No. 5797] (the “Motion to Stay”).

WHEREAS the Proposed Intervenors are interested in their capacities as parties in interest in the bankruptcy proceedings of the above-captioned Debtors, including as creditors or shareholders of the relevant Debtor estates; the Proposed Intervenors played roles in the proceedings below, including through filing pleadings and statements in support of the Plan and participating at the Confirmation Hearing; the Proposed Intervenors are timely intervening consistent with Rule 8013 of the Federal Rules of Bankruptcy Procedure; and, in light of their role in the proceedings below and as parties that may be materially economically impacted by the A&P Group’s objection to the Plan, believe that their participation as intervenors is more appropriate than seeking leave to file briefs as *amici curiae*;

WHEREAS, subject to the page and word limitations referenced below, neither the A&P Group nor the Debtors oppose the Proposed Intervenor's motion to intervene in the above-captioned appeal;

WHEREAS the Proposed Intervenor, the Debtors, and the A&P Group have agreed that the Debtors and the Proposed Intervenor will file a joint brief (the "Joint Brief") in the above-captioned appeal, *provided that* (i) the Committee will be permitted to file a separate supplemental brief not to exceed four (4) pages concerning any unique arguments not covered in the Joint Brief, and (ii) the Parent Ad Hoc Claimant Group, the White & Case Group, Banco Estado, Delta Air Lines, Inc., Costa Verde Aeronautica S.A., Lozuy S.A., and Qatar Airways Investments (UK) Ltd., collectively will be permitted to file a separate supplemental joint brief not to exceed ten (10) pages concerning any unique arguments not covered in the Joint Brief; *provided further*, that the A&P Group, in connection with reply briefing, will be permitted an additional 2,000 words in their reply brief.

NOW THEREFORE, for good cause shown, the Proposed Intervenor respectfully request that the Court enter an order permitting the Proposed Intervenor to intervene in the above-captioned appeal on the terms set forth herein.

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So ordered.

Dominic L. [Signature]
July 13, 2022